

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 91.6, the Labor Commissioner hereby gives Notice of Intended Action to amend Chapter 130, “Community Right to Know,” and Chapter 140, “Public Safety/Emergency Response Right to Know,” Iowa Administrative Code.

The proposed amendments rescind obsolete rules and amend outdated rules. Duties pertaining to the hazardous chemical inventory were transferred from the Division of Labor Services to the Department of Natural Resources, making three Division rules obsolete. Division rules governing hearing procedures were transferred from Chapter 300 to Chapter 1, making amendments to two existing rules necessary.

The principal reasons for adoption of these amendments are to update the rules and implement legislative intent.

If requested in accordance with Iowa Code section 17A.4(1)“b” by the close of business on February 23, 2016, a public hearing will be held on February 24, 2016, at 2:30 p.m. in the Capitol View Room at 1000 East Grand Avenue, Des Moines, Iowa. Interested persons will be given the opportunity to make oral statements and file documents concerning the proposed amendments. The facility for the oral presentations is accessible to and functional for persons with physical disabilities. Persons who have special requirements should call (515)281-5915 in advance to arrange access or other needed services.

Written data, views, or arguments to be considered in adoption shall be submitted by interested persons no later than February 24, 2016, to Division of Labor Services, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [kathleen.uehling@iwd.iowa.gov](mailto:kathleen.uehling@iwd.iowa.gov).

No variance procedures are included in this rule making. Variance procedures are set forth in 875—Chapter 1.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 89B.

The following amendments are proposed.

ITEM 1. Amend subrule 130.10(3) as follows:

**130.10(3)** If the employer has not requested a hearing, the commissioner, after the time set forth for compliance with the order to comply, may reexamine records submitted by the employer or may reinspect the premises. If the employer has not taken the necessary remedial steps required by the order to comply, the commissioner, upon notice and administrative hearing, may issue a decision on the order to comply which shall be deemed a final agency action pursuant to Iowa Code chapter 17A. The rules contained in ~~875—Chapter 300~~ 875—Chapter 1 are applicable to the hearing.

ITEM 2. Rescind and reserve rules **875—130.11(30,89B)** and **875—130.12(30,89B)**.

ITEM 3. Amend subrule 140.8(3) as follows:

**140.8(3)** In the event the issue of noncompliance comes for hearing before the commissioner, the commissioner may, at the conclusion of the hearing, issue an order for compliance which shall be a final agency action pursuant to Iowa Code chapter 17A or dismiss the complaint. Any hearing shall be conducted pursuant to the rules contained in ~~875—Chapter 300~~ 875—Chapter 1.

ITEM 4. Rescind and reserve rule **875—140.9(30,89B)**.